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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2008 FEB 27 A 10: 32

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20520A-07-0155

LEONARD FRANCIS ALCARO
(a/k/a "LENNY ALCARO") and
MARY BRIGID LAVIN ALCARO,
husband and wife,
1140 West San Lucas Circle
Tucson, AZ 85704

Arizona Corporation Commission

DOCKETED

FEB 27 2008

Respondents.

DOCKETED BY

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FIFTH
PROCEDURAL ORDER

BY THE COMMISSION:

On March 20, 2007, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Leonard Francis Alcaro and Mary Brigid Lavin Alcaro, (collectively the "Respondents") in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale investment contracts and/or promissory notes.

Respondents were duly served with copies of the notice.

On April 9, 2007, Mary Brigid Lavin Alcaro filed a request for a hearing.

No request for hearing was filed on behalf of Leonard Francis Alcaro.

On April 12, 2007, by procedural order, a pre-hearing conference was scheduled on May 7, 2007.

On May 7, 2007, the Division and Respondent Mary Alcaro appeared through counsel. The attorney appearing for Mrs. Alcaro indicated that he was substituting for Mrs. Alcaro's attorney of record because he was out of the country until June 11, 2007. The Division's counsel agreed that another pre-hearing conference should be scheduled in late June.

1 On May 10, 2007, by Procedural Order, another pre-hearing conference was scheduled on
2 June 28, 2007.

3 On June 4, 2007, Respondent Mary Alcaro filed a Motion to Dismiss ("Motion").

4 On June 19, 2007, the Division filed a Response to the Motion by Mrs. Alcaro.

5 On June 28, 2007, the Division and Respondent Mary Alcaro appeared through counsel.
6 After discussions concerning the pending Motion by Mrs. Alcaro being taken under advisement, the
7 parties agreed that a hearing be scheduled in the event that the matter cannot be resolved. Due to
8 scheduling conflicts, it was determined that the proceeding be scheduled in the fall. The respective
9 counsel agreed that the Division would file its witness list and copies of exhibits 60 days before the
10 hearing and Respondent Mary Alcaro would file her witness list and copies of exhibits 30 days prior
11 to the hearing date.

12 On July 2, 2007, by Procedural Order, a hearing was scheduled on December 11, 2007.

13 On September 6, 2007, the Commission issued Decision No. 69900, which ordered
14 Respondent Leonard Francis Alcaro to cease and desist from violating the Act, ordered him to pay
15 restitution of \$403,998.73 and ordered him to pay \$100,000 as an administrative penalty.

16 On November 16, 2007, the Division filed a Motion for a Continuance due to the
17 unavailability of a Division witness.

18 On November 23, 2007, Respondent's counsel filed a response that indicated he had no
19 objections to the Division's Motion.

20 On November 27, 2007, the respective counsel telephonically agreed to a continuance until
21 March 4, 2008.

22 On December 4, 2007, by Procedural Order, the hearing was continued until March 4, 2008.

23 On February 21, 2008, Respondent Mary Alcaro filed a Motion to Continue ("Motion") the
24 hearing. Her Motion argues that Mr. Alcaro has been indicted and will not be able to testify in this
25 proceeding until his criminal case is resolved. Mrs. Alcaro requested a continuance for six months or
26 until Mr. Alcaro's criminal case is concluded.

27 On February 26, 2008, the Division filed its objections to Mrs. Alcaro's Motion stating that
28 Mrs. Alcaro's purported reliance on Mr. Alcaro's testimony lacks merit since neither Mrs. Alcaro nor

1 the marital community is a defendant in the criminal proceeding. Further, the Division pointed out
2 that Mrs. Alcaro is the witness best qualified to testify concerning whether her portion of the marital
3 community benefited from Mr. Alcaro's past actions.

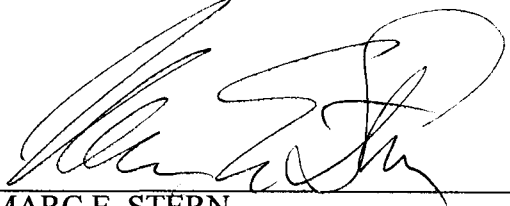
4 Accordingly, Mrs. Alcaro's Motion should be denied.

5 IT IS THEREFORE ORDERED that the Motion to Continue filed by Mrs. Mary Alcaro is
6 hereby denied.

7 IT IS FURTHER ORDERED that all prior orders remain in effect with respect to the
8 exchange of witness lists and documents.

9 IT IS FURTHER ORDERED that in the event the issues are resolved between the parties
10 prior to the hearing date, the Division shall file notice of same and request the hearing date be
11 vacated.

12 Dated this 27th day of February, 2008.

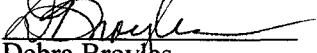
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15 
16 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing were mailed/delivered
18 this 27th day of February, 2008 to:

19 Michael J. Vingelli
20 VINGELLI & ERRICO
21 33 North Stone Avenue, Suite 1800
22 Tucson, AZ 85701
23 Attorney for Mary Brigid Lavin Alcaro
(Delivered via Fax to (520) 623-9055)

24 Matt Neubert, Director
25 Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

26 ARIZONA REPORTING SERVICE, INC.
27 2200 North Central Street, Suite 502
28 Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Marc E. Stern